

EXHIBIT C

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 KRISTIN A. CARMODY, M.D.,
4 M.H.P.E.,

5 Plaintiff,

6 v.
7 NEW YORK UNIVERSITY, NYU
8 GROSSMAN SCHOOL OF MEDICINE; NYU
9 LANGONE HOSPITALS; ROBERT I.
10 GROSSMAN, M.D.; FRITZ FRANCIOS,
11 M.D.; STEVEN B. ABRAMSON, M.D.;
12 ANDREW W. BROTMAN, M.D.; and
13 ROBERT J. FEMIA, M.D.

Case No.:

1 :21-cv-08186-LGS

14 Defendants.

15 VIDEO DEPOSITION

16 **CONFIDENTIAL**

17 WITNESS: Fritz Francois, M.D.

18 DATE: Friday, February 10, 2023

19 START TIME: 1:00 p.m.
20 END TIME: 2:01 p.m.

21 REMOTE LOCATION: Remote Legal platform

22 REPORTER: Kimberly Costanza, CDR-1835
23 JOB NO.: 14799

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54

1 Q And at what point -- when -- when was the
2 first time you - well, withdrawn.

3 Did you ever provide your cell phone to NYU's
4 IT department for -- with respect to this litigation?

5 A Can you clarify the question? At what point?

6 Q At any time, did you provide your cell phone
7 to NYU's IT department at -- with respect to this
8 litigation?

9 A I was not directed to provide my phone to the
10 NYU IT department.

11 Q Okay. Did you ever review your phone for text
12 messages related to this litigation?

13 A Yes, I did.

14 Q When was the first time you did so?

15 A I don't recall the exact date.

16 Q Was it -- was it before or after your first
17 deposition in this case?

18 A I don't recall the exact date, and I would
19 have to, also, go back to the dates of the deposition,
20 which I don't have at my fingertips.

21 Q Okay. When you did review your phone for text
22 messages related to this -- to this action, what were
23 you looking -- what did you look for?

24 A I was provided instructions on -- to -- to
25 look for text messages for that -- with various -- with

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55

1 certain individuals and I followed those instructions
2 based on only a communication with those individuals as
3 it pertained to Dr. Carmody.

4 Q Okay.

5 A And that's what I tried to provide and that
6 would have been prior to the first deposition. I just
7 don't have the exact date.

8 Q Do you recall how far in advance or how far
9 prior to your first deposition it was?

10 A I don't have the exact date.

11 Q And did you do a subsequent review of your
12 phone for text messages following your deposition?

13 A I did review -- I reviewed text messages as
14 the instructions -- as I was instructed to do, meaning
15 if there was a request from my -- the lawyers, I did so.
16 It is possible that I might have missed some, but I
17 followed, to the best of my ability, the instructions
18 that I was given, as well as the time period to look
19 for.

20 Q Okay.

21 A And, yes, there -- it's possible that I might
22 have missed some of those.

23 Q Okay. And prior to your deposition, did you
24 ever provide your cell phone to someone else to do the
25 review?

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56

1 A Prior to which deposition are you referring
2 to?

3 Q Your first deposition.

4 A I was not -- no, I did not provide my phone to
5 someone.

6 Q Okay. At some point, did you provide your
7 phone to someone to do a review?

8 A After the first step deposition, the -- yes,
9 my phone, actually, was imaged.

10 Q Okay.

11 MR. CAVALERI: All right. Well, Dr.
12 Francois, thank you for your time today. I see we are
13 right at the hour mark and I appreciate it. Thank you.

14 THE WITNESS: Sure. You're welcome.
15 Thank you.

16 MR. CERASIA: I would only add that, for
17 now, we're going to designate this deposition as
18 confidential.

19 MR. CAVALERI: Okay.

20 MR. CERASIA: Thank you.

21 THE REPORTER: Okay. Is that all the
22 questions for today?

23 MR. CERASIA: Yeah. No questions from
24 our side.

25 THE REPORTER: Okay. I would just like